

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY BUCHAREST
AMEMBASSY PARIS
INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 038416

NESCO

E.O. 11652: GDS

TAGS: AORG, UNESCO

SUBJECT: UNESCO: DUMITRESCU CASE

REFS: A) BUCHAREST 487; B) PARIS 860

1. DEPT. APPRECIATES EMBASSY BUCHAREST'S TRANSMITTAL OF COUNCIL OF STATE DECREE 233, WHICH WE ARE IN PROCESS OF HAVING TRANSLATED. HOWEVER, WE STILL LACK CONFIRMATION THAT DUMITRESCU IS BEING PROSECUTED UNDER THIS LAW RATHER THAN, AS HIS DAUGHTER CHARGES (REF B), UNDER AN ARTICLE OF THE ROMANIAN PENAL CODE CONCERNING THE CRIME OF TREASON. FORMER WOULD CONFORM AT LEAST SUPERFICIALLY
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PAGE 02 STATE 038416

TO INTERNATIONAL LEGAL NORMS, WHEREAS LATTER WOULD RAISE SERIOUS QUESTIONS RE ROMANIAN RESPECT FOR INTEGRITY OF INTERNATIONAL CIVIL SERVICE AND FOR CONVENTION ON PRIVILEGES AND IMMUNITIES OF SPECIALIZED AGENCIES.

2. FYI: IN FACT, ASSUMING UNESCO'S STATEMENTS ARE ACCURATE, ROMANIA IS ALREADY IN VIOLATION OF ITS INTERNATIONAL OBLIGATIONS, REGARDLESS OF NATURE OF CHARGES THAT HAVE BEEN OR MAY BE BROUGHT AGAINST HIM, AS RESULT OF ITS CONSCRIPTION OF DUMITRESCU INTO NATIONAL SERVICE

AND ITS ATTEMPT TO "RESIGN" HIM FROM HIS UNESCO POSITION.
END FYI.

3. AS AMBASSADOR TORRES CORRECTLY INFERRED (REF B), DEPT. DOES NOT WISH U. S. TO GET TOO FAR OUT IN FRONT ON WHAT IS, AT THIS STAGE -- AND UNTIL WE HAVE ADDITIONAL INFORMATION AND CLARIFICATION -- STILL BASICALLY A UNESCO/ROMANIAN DISPUTE. HOWEVER, LETTER TO PRESIDENT FROM DUMITRESCU'S DAUGHTER, WHICH WE CAN ASSUME WILL BE PUBLICIZED IN DUE COURSE, ALONG WITH U. S. REPLY, CREATES A NEW SITUATION FOR U. S. IN ITS ROLE OF MAJOR SPOKESMAN FOR HUMAN RIGHTS.

4. OUR FEELING IS THAT AT SOME POINT IT MIGHT BE WELL FOR UNESCO TO TRY TO MOVE MATTER TO ICJ. (ALTHOUGH ROMANIA HAS NOT AGREED TO COMPULSORY JURISDICTION OF THE ICJ AND THUS CANNOT BE FORCED TO APPEAR BEFORE IT, UNESCO CAN, PURSUANT TO ITS CONSTITUTION, ARTICLE 65 OF THE ICJ STATUTES AND ARTICLE 96(1) OF THE CHARTER, REQUEST AN ADVISORY OPINION OF THE COURT "ON LEGAL QUESTIONS ARISING WITHIN THE SCOPE OF THEIR ACTIVITY.") SITUATION IS COMPLICATED BY FACT THAT SPRING SESSION OF UNESCO EXECUTIVE BOARD WILL HAVE BEFORE IT DETAILED RECOMMENDATIONS
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PAGE 03 STATE 038416

ADOPTED BY JANUARY MEETING OF BOARD'S WORKING PARTY, FOR STRENGTHENING UNESCO'S PROCEDURES FOR HANDLING COMPLAINTS ALLEGING, INTER ALIA, VIOLATIONS OF INDIVIDUAL RIGHTS IN UNESCO'S FIELDS OF COMPETENCE -- PROCEDURES TO WHICH DUMITRESCU, HIS DAUGHTER OR OTHERS ACTING ON HIS BEHALF COULD CONCEIVABLY HAVE RECOURSE.

5. IN VIEW MISS DUMITRESCU'S LETTER TO PRESIDENT, WE BELIEVE IT WOULD BE APPROPRIATE FOR EMBASSY TO MAKE OFFICIAL REPRESENTATION TO GOR REQUESTING INFORMATION CONCERNING NATURE OF CHARGES AGAINST DUMITRESCU, SO THAT U. S. REPLY COULD BE BETTER INFORMED. IF IN EMBASSY VIEW THERE ARE IMPORTANT COUNTERINDICATIONS, PLEASE ADVISE ASAP.

6. FOR PARIS (U.S. PERMDEL): WOULD APPRECIATE YOUR EXPLORING POSSIBILITY MENTIONED PARA 4 ABOVE, OR RELATED UNESCO MEASURES, WHICH MIGHT FACILITATE FAVORABLE RESOLUTION OF DUMITRESCU CASE. VANCE

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